

UNITED STATES DISTRICT COURT

for

**EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION**

U.S.A. vs. Dale Marquese Hester

Docket No. 7:10-CR-47-1

Petition for Action on Probation

COMES NOW Djoni B. Barrett, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Dale Marquese Hester, who, upon an earlier plea of guilty to Possess With Intent to Distribute an Amount of Marijuana and Aiding and Abetting, in violation of 21 U.S.C. §841(a)(1) and 18 U.S.C. §2, was sentenced by the Honorable James C. Dever III, U.S. District Judge, on August 17, 2010, to a 36 month term of probation under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall perform 100 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required \$200 fee.
2. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
3. The defendant shall participate in a program of mental health treatment, as directed by the probation office.
4. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
5. The defendant shall not go on or enter Camp Lejeune or New River Military Reservations during the probationary term.
6. The defendant shall cooperate in the collection of DNA as directed by the probation officer.
7. The defendant shall pay a special assessment of \$100.00.

On October 6, 2010, a Petition for Action on Probation was approved by the Court modifying the defendant's probation to include vocational training, cognitive behavioral program, and educational services for job readiness skills.

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On November 24, 2010, a Violation Report was submitted to the Court advising of a new state charge, Driving While License Revoked. The probation officer recommended, and the court agreed, to allow supervision to continue.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On August 15, 2010, the defendant was referred to Onslow County Parks and Recreation to perform community service hours. The defendant was instructed to perform ten hours each month until the community service hours were satisfied. Onslow County Parks and Recreation has five community service worksites in Onslow County. Since the original referral to the park, the defendant has been referred to Deppe Forest Park in Maysville, North Carolina; Onslow County Pines Park in Jacksonville, North Carolina; Stump Sound Park in Sneads Ferry, North Carolina, and a second referral back to Onslow County Pines Park in Jacksonville, North Carolina. To date, the defendant has satisfied 16.5 hours of community service leaving an outstanding balance of 83.6 hours. On April 4, 2011, the defendant was dropped from the Onslow County Parks and Recreation due to non-participation.

On August 24, 2010, the defendant was referred to our vendors, Coastal Carolina Neuropsychiatric Center of Jacksonville for mental health treatment and Palm Wellness Center of Jacksonville for outpatient substance abuse treatment. Since the initial referral to these community resources, the defendant's compliance has been unsatisfactory. He has recently improved his attendance and participation with these two resources. All surprise urine screens have proven negative for illegal substances.

The defendant is currently separated from his wife. He is living with his mother in Jacksonville, North Carolina. The defendant is unemployed and to date, has paid nothing towards the \$100 special assessment.

In response to the defendant's poor compliance, the probation officer is recommending modification of the defendant's supervision to include 90 days home confinement with electronic monitoring. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

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PRAYING THAT THE COURT WILL ORDER that probation be modified as follows:

The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 90 consecutive days. The defendant shall be restricted to his residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Kevin L. Connolley
Kevin L. Connolley
Supervising U.S. Probation Officer

/s/ Djeni B. Barrett
Djeni B. Barrett
U.S. Probation Officer
472-C Western Blvd.
Jacksonville, NC 28546-6862
Phone: (910) 347-9038
Executed On: April 26, 2011

ORDER OF COURT

Considered and ordered this 26 day of April, 2011, and ordered filed and made a part of the records in the above case.

James C. Dever III
James C. Dever III
U.S. District Judge